

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

William DIAZ-Chavez,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

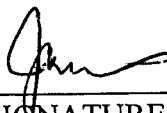
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2008 FEB -4 AM 10:49
08 MJ 0307

VNH
DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 1, 2008** within the Southern District of California, defendant, **William DIAZ-Chavez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

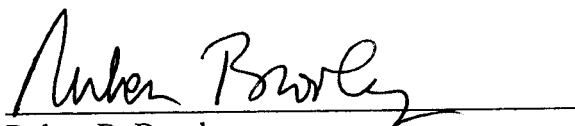
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF FEBRUARY,
2008



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**William DIAZ-Chavez****PROBABLE CAUSE STATEMENT**

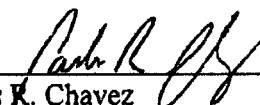
I declare under the penalty of perjury that the following statement is true and correct:

On February 1, 2008, Border Patrol Agent J. Griffin was patrolling within the Imperial Beach Border Patrol Station area of responsibility. At approximately 6:20 a.m., Agent Griffin responded to a seismic intrusion device in a known smuggling area located approximately four miles west of the San Ysidro, California Port-of-Entry and two hundred yards north of the United States/Mexico International Border. This area, referred to as "Sam's Drive", is known to be notorious for the presence of undocumented aliens walking north in furtherance of their illegal entry into the United States. Upon arriving to the "Sam's Drive" area, Agent Griffin observed three individuals walking north. At approximately 6:45 a.m., Agent Griffin approached the location of the three individuals and observed that they were attempting to hide themselves in thick brush. Agent Griffin identified himself in the English and Spanish languages as a United States Border Patrol Agent and questioned each individual as to their immigration status. Each individual, including one later identified as the defendant, **William DIAZ-Chavez**, freely admitted that they were citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. All three subjects were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **October 18, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

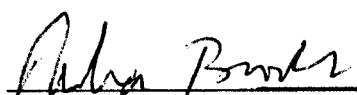
The defendant was advised of his Miranda rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on February 2nd, 2008 at 10:00am.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 1, 2008**, in violation of Title 8, United States Code, Section 1326.



Ruben B. Brooks
United States Magistrate Judge

2/2/08 at 12:15 p.m.
Date/Time